

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JAMES H. JACOBY, AS TRUSTEE ON	:	CIVIL ACTION
BEHALF OF THE INDENTURE OF THE	:	
TRUST OF RICHARD A. JACOBY	:	
DATED OCTOBER 31, 1992	:	
	:	
v.	:	
	:	
AXA EQUITABLE LIFE INSURANCE	:	NO. 13-6511
COMPANY	:	

**ORDER**

**AND NOW**, this 15th day of December, 2014, having considered Defendant's Motion to Dismiss Plaintiff's Amended Complaint (ECF Doc. 12), Plaintiff's response thereto (Doc. 13), and the parties' letter briefs (Docs. 18, 19), and having held oral argument on Defendant's Motion, it is hereby **ORDERED** that:

1. Defendant's motion is **GRANTED IN PART** (Counts III, IV, and V) and **DENIED IN PART** (Counts I and II).
2. The parties shall, within one week of this Order, initiate a joint call to chambers at 267-299-7690 to schedule a Rule 16 conference.
3. Defendant shall file an answer to Counts I and II of the Amended Complaint within twenty days of the entry of this Order.

4. The parties are encouraged to contact Magistrate Judge Elizabeth Hey at 267-299-7670 to schedule a settlement conference if the parties believe settlement discussions may be productive at this stage.

BY THE COURT:

/s/ L. Felipe Restrepo  
L. FELIPE RESTREPO  
UNITED STATES DISTRICT JUDGE